

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 23

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FEDERAL MATCHING. The funds appropriated in ~~Sections 19, 20, 21 and 22 of this Act~~ from the Public School Fund for grants and aid for the Adult Education Grant Program and the Career and Technical Education Grant Program may also be used to match any available federal funds from any agency in order to provide the maximum amount of money possible for the purposes enumerated in such section.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 24

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DELETE THIS LANGUAGE

~~CAPITAL EQUIPMENT RESTRICTIONS. The funds appropriated for "Capital Equipment" shall be administered by the Department of Workforce Education and shall be used to provide additional assistance to local school districts to enhance and/or upgrade equipment in existing job-specific programs. Pursuant to policies and regulations which include applications, disbursement procedures, and matching requirements of the Department of Workforce Education, these funds can be used to purchase capital equipment to enhance or technically upgrade existing job-specific vocational programs. Such funds shall be distributed to local school districts in such amounts, as determined by the Department of Workforce Education.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 25

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

VOCATIONAL START-UP. The funds and appropriations contained herein for Vocational Start-Up as provided for in the Career and Technical Education Grants Program of this Act shall be allocated in accordance with rules and regulations established by the State Board of Workforce Education and Career Opportunities, after the rules and regulations have undergone a prior review by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 26

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EDUCATIONAL TRAINING/RETRAINING. Of the funds and appropriation authorized by ~~Item (01) in Section 19 of this Act for Adult Basic and General Adult Education grants as provided in the Adult Education Grants Program of this Act,~~ a sum of \$300,000 each fiscal year shall be made available to eligible entities approved by the State Board of Workforce Education and Career Opportunities, in order to expand the vocational education and training opportunities available to area citizens in need of adult educational training or retraining due to changing technology.

Further, if the appropriation is not fully funded due to a decrease in the official revenue forecast or the available carryover balance of the Department of Workforce Education Public School Fund Account, the Department of Workforce Education may reduce proportionally the amount made available to eligible entities approved by the State Board of Workforce Education and Career Opportunities in order to expand the vocational education and training opportunities to area citizens in need of adult educational training or retraining due to changing technology.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 27

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FEDERAL JTPA VOCATIONAL EDUCATION. No employee of the Department of Workforce Education, who is employed as "extra help" by the Dislocated Workers Task Force Program as provided in the Development Oversight and Support Services Program of this Act may receive an amount to exceed eighty-five percent (85%) of the maximum annual salary for a comparable position as authorized under Arkansas Code 21-5-201 et. seq. during any fiscal year, nor shall such employee be employed for a period of time to exceed fourteen hundred (1400) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 28

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

DELETE THIS LANGUAGE

~~ADDITIONAL TEACHING LOAD. Instructional staff in a postsecondary Technical Institute/Vocational Technical School as authorized for the various technical institutes may be paid up to forty five dollars (\$45) per clock hour for the fiscal year ending June 30, 2004 2006 and up to fifty dollars (\$50) per clock hour for the fiscal year ending June 30, 2005 2007, for non credit teaching assignments; or, up to five hundred dollars (\$500) per semester hour for the fiscal year ending June 30, 2004 2006, and up to five hundred fifty dollars (\$550) per semester hour for the fiscal year ending June 30, 2005 2007, for teaching courses beyond the defined teaching load; and the employee's maximum allowable salary may be exceeded by such amount; provided, however, that such additional teaching load may not exceed one hundred fifty (150) clock hours or nine (9) semester credit hours per school year. Further, the provisions of this section shall only apply to credit and noncredit courses that are funded by Private Industry.~~

~~————The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

EXECUTIVE RECOMMENDATION

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 29

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS. Transfer of funds between various established federal accounts for educational programs financed by either or both State and Federal funds for the purpose of clearing audit exceptions, adjustments in matching requirements, or to provide initial program financing or existing program financing pending availability of funds from the Federal Government, or for the purpose of prorating direct or indirect costs are hereby authorized after obtaining the approval of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 30

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

WORK FORCE 2000 DISTRIBUTION. After the amounts to be made available to the various technical institutes or comprehensive lifelong learning centers have been determined as set out in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be processed so that funds may be transferred from the Work Force 2000 Development Fund to the State Treasury fund or fund account from which the technical institute or comprehensive lifelong learning center draws its general revenue support. Such funds as may be transferred shall not exceed ~~25.55%~~ 6.309% of the total funds available from the Work Force 2000 Development Fund during each fiscal year of the biennial period ending June 30, ~~2005~~ 2007.

In the event that a technical college, community college or educational institution which receives support from the Work Force 2000 Development Fund as determined by law transfers from the Arkansas Technical College and Community College System for which Work Force 2000 Development Fund monies are determined by law, then the actual amount of support from the Work Force 2000 Development Fund in the preceding fiscal year for such educational institution shall be made available irrespective of any other provision of law which sets out maximum levels of support from such fund.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 31

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

DELETE THIS LANGUAGE

~~EXTRA HELP RESTRICTION. No employee in a Vocational Technical Institution of the Department of Workforce Education, who is employed as "Extra Help" may receive an amount to exceed eighty five percent (85%) of the maximum annual salary for a comparable position as authorized under Arkansas Code 21-5-201 et seq. during any fiscal year, nor shall such employee be employed for a period of time to exceed fourteen hundred (1400) hours in any single fiscal year.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

EXECUTIVE RECOMMENDATION

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 32

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TECHNICIAN POSITIONS. The positions of Vo-Tech Technician II and of Vo-Tech Technician I, as authorized to the various technical institutes may be utilized only in the event that high technology programs are approved by the State Board of Workforce Education and Career Opportunities which require instructors who cannot be employed at the rates of pay approved for other vocational technical instructors. Such positions shall be restricted to use in high technology or critical skills area programs as defined by rules and regulations promulgated by the State Board.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

DELETE CURRENT LANGUAGE

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 33

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PERSONNEL TRANSFER PROVISION. Any positions with supporting appropriation as authorized in ~~Section 1~~ of this Act may be transferred to a technical institute as needed. Any positions with supporting appropriation as authorized in the various acts of the Technical Institutes may be transferred to the Department of Workforce Education as needed. Provided, however, the maximum amount of positions or appropriations transferred shall be limited to ten percent (10%) of the total number of authorized positions and supporting appropriation for any one vocational-technical institution. The transfer of any position and supporting appropriation must be requested by the Director, Department of Workforce Education, and any such transfer will require prior approval of the Governor and the Chief Fiscal Officer of the State. In no event shall this language be used to increase the Central Office Administration, unless the Governor determines that sufficient savings are to be effected in overall administration of the vocational programs of the State of Arkansas to justify said transfer.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 34

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADULT EDUCATION DISTRIBUTION. All funds that become available for Adult Education shall first be distributed to those administrative units determined to be operating efficient and effective adult education programs, under criteria established by the State Board of Workforce Education and Career Opportunities. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of federal performance indicators. The State Board of Workforce Education and Career Opportunities shall promulgate rules and regulation for the distribution of funds in accordance with criteria to be determined by the Board. In the distribution of funds to local units the Board shall consider the literacy rate in each county and performance in meeting state and federal performance indicators. For the purposes of this Section, the term "literacy rate" shall be determined by the number of adults completing less than the twelfth grade as reported by the most recent decennial federal census. Unallocated funds will be redistributed based upon need as determined by the State Board of Workforce Education and Career Opportunities.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 35

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SALARY ADJUSTMENT. In the event that any postsecondary vocational institution merges with a contiguous community college, the director of the vocational institute shall become eligible for a \$10,000 increase in annual salary and the assistant director shall become eligible for a \$5,000 increase in annual salary following such a merger.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

DELETE CURRENT LANGUAGE

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 36

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

APPROPRIATIONS CARRYOVER PROVISION. An appropriation received by the various technical institutes or comprehensive lifelong learning centers to support funds received from the Workforce 2000 Development Fund and which remains at the end of any fiscal year shall carry forward into the next fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS. The Chief Fiscal Officer of the State shall establish, upon request from the Department of Workforce Education, a special appropriation line item to be used in the acquisition of promotional items. When the Department of Workforce Education wishes to transfer monies from its operating expenses appropriation to the Promotional Items line, the State Board of Workforce Education and Career Opportunities shall approve the request and forward it after receiving prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, to the Chief Fiscal Officer of the State for processing.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Workforce Education may operate more efficiently if some flexibility is provided to the Department of Workforce Education authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

VOCATIONAL START-UP. Funds received by the Department of Workforce Education for Vocational Start-Up may be allocated in a manner consistent with the rules and regulations established to enhance and/or upgrade equipment in existing vocational educational programs after receiving prior approval by the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Workforce Education may operate more efficiently if some flexibility is provided to the Department of Workforce Education authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 39

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

POSITION FUNDING RESTRICTION. One position of Surplus Property Inventory Control Manager, two positions of Surplus Property Agent, and one position of Secretary II authorized in this Act that are assigned to the Federal Surplus Property Program are to be paid solely from fees generated by the program.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 40

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND BALANCES. VOCATIONAL TECHNICAL RETIREMENT CASH FUND.

(A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Vocational Technical Retirement Cash Fund to decline below Eighty One Thousand Five Hundred Thirty Dollars (\$81,530), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:

- 1) a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.
- 2) information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.
- 3) the extent to which any of the planned expenditures are for one-time costs or one-time purchase of capitalized items.
- 4) a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.

AGENCY REQUEST

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0590 Workforce Education Department

ACT#: 1309

SECTION#: 40

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

(B) The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.